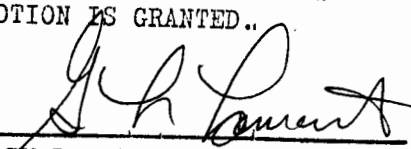


~~CONFIDENTIAL - ATTORNEY WORK PRODUCT~~

AND NOW, THIS 18th DAY OF Dec 06, IT IS HEREBY ORDERED THAT THE WITHIN MOTION IS GRANTED..

GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

JAMES PODOMIK)

Criminal No. 05-33)

MOTION TO REINSTATE COURT CALENDAR AND NOTICE OF
REVOCATION OF PARTICIPATION IN PRETRIAL DIVERSION PROGRAM

AND NOW, comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Michael Leo Ivory, and hereby files the above-captioned motion and notice, and in support of both states the following:

1) The grand jury returned a two-count Indictment against Podomik charging him with violating Title 18, United States Code, Section 1709 and Title 21, United States Code, Section 844(a).

2) Subsequently, on March 31, 2006, the defendant and the government entered into an agreement in which the government agreed to defer prosecution of the charged offenses for a period of twelve months contingent upon the defendant's adherence to the conditions set forth in the agreement.

3) The defendant was required to participate in a drug treatment program, refrain from violating the law, report as required to his Pretrial Services officer, and actively seek employment.